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Agenda item 9

GENERAL DEBATE ON THE PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS SINCE THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ON THE IDENTIFICATION OF OBSTACLES TO FURTHER PROGRESS IN THIS AREA AND WAYS IN WHICH THEY CAN BE OVERCOME

Note by the Secretary-General

Note verbale dated 21 June 1993 from the Austrian Federal Ministry for Foreign Affairs addressed to the Secretary-General of the World Conference on Human Rights

The Austrian Delegation to the World Conference on Human Rights presents its compliments to the Secretary-General of the World Conference on Human Rights and has the honour to submit the report of a panel discussion on "Human rights violations in war situations", organized by the Austrian Society for Foreign Policy and International Relations which was held on 18 June 1993 on the occasion of the World Conference on Human Rights in Vienna.

The Austrian Delegation respectfully requests that the enclosed report be issued as a document of the World Conference on Human Rights under item 9 of the agenda.

Human rights violations in war situations

1. On the occasion and within the overall framework of the World Conference on Human Rights, the Austrian Society for Foreign Policy and International Relations ("Österreichische Gesellschaft für Außenpolitik und Internationale Beziehungen") organized a panel discussion on "Human rights violations in war situations", which was held on Friday, 18 June 1993, in the Austria Center Vienna. The participants were: Prof. Izet Aganovic, Merhamet (Red Crescent), Zagreb; Prof. Yonah Alexander, George Washington University; Prof. Muhamed Filipovic, University of Sarajevo; Prof. Zeljko Horvatic, University of Zagreb; Ms. Christine von Kohl, International Helsinki Federation for Human Rights, Vienna; Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, former Prime Minister of Poland, Warsaw; Prof. Zvonimir Separovic, World Society of Victimology, former Minister for Foreign Affairs of Croatia, Zagreb; Prof. Vojislav Stanovcic, Academy of Sciences and Arts, Belgrade; Mr. Simon Wiesenthal, Dokumentationszentrum des Bundes jüdischer Verfolgter des Naziregimes (Documentation Centre of the Organization of Jewish Survivors of the Nazi Regime), Vienna. Prof. Hanspeter Neuhold, University of Vienna, presided over the panel; Ambassador Albert Rohan acted as Rapporteur.

2. At the outset one of the participants underlined the ominous recurrence of ethnic and religious violence in many parts of the world as well as the striking contrast between the vision of a new world order based on the rule of law and the reality marked by the globalization of violence and the inadequacy of the existing human rights regime.

3. The debate then concentrated on the tragic situation in Bosnia and Herzegovina. Participants deplored the bloodshed, destruction and massive violations of human rights occurring at the very end of the 20th century in south-east Europe and stressed the need to immediately stop the war. The bestial character of the crimes committed, the immense suffering of innocent civilians, women and children, the 250,000 dead and 3 million refugees and displaced persons were highlighted. Participants unanimously condemned the practice of "ethnic cleansing".

4. The notion that this conflict had the character of a religious or civil war from its inception was rejected, as was the argument that ethnic strife had a long history in Bosnia and Herzegovina. It was pointed out that on the contrary, Bosnia and Herzegovina had been a model of a multi-ethnic, multi-religious and multi-cultural society and that this was true even now for some parts like the beleaguered capital of Sarajevo. The conflict had been brought to Bosnia and Herzegovina from the outside; it was a clear case of Serbian aggression caused by the criminal policy and ideology of the Serb leadership. The response by the international community to the events in Bosnia and Herzegovina had been totally inadequate. International action had failed, the system of protection of human rights had collapsed and the uncontrolled continuation of violence revealed the impotence of the United Nations and of Governments in Europe and the world. Unfortunately, it was not to be expected that the ongoing World Conference on Human Rights would have any impact on the real situation.

5. In the course of the debate the following specific points were made by members of the panel: there was no hope for assistance from the Governments of the world, therefore the people's help should be sought in order to preserve Bosnia and Herzegovina. All elements for a political solution were contained in the decisions of the London Conference on the Former Yugoslavia of August 1992. Since then a whole year had been lost. Nothing had been achieved; on the contrary, the situation had deteriorated and the worst methods were now being applied by all sides to the conflict. "Super-violence" met with the "super-helplessness" of the international community, which was a disgrace to Europe, the world and the United Nations. The Vance/Owen/Stoltenberg process was in fact helping and legalizing the aggression. If the international community was not ready to take some risks in order to defend human rights, these would remain unprotected.

6. With regard to the legal responsibility for the crimes committed, not only must the actual perpetrators be brought to justice, but also those who gave the orders. Moreover, the proceedings had to be given an international framework, and not only national law should be applied. One participant pointed to the need for greater conceptual clarity when speaking about human rights and the events in the former Yugoslavia; acts of outside aggression should not be called civil war. Also, the world in its utter impotence appeared to be limited to the role of a "voyeur", thus becoming an accomplice to the crime. One member of the panel opined that human rights standards had always been at a lower level in Bosnia and Herzegovina compared to other parts of the former Yugoslavia. This statement was vehemently rejected by several panellists and caused considerable commotion in the audience. With regard to the arms embargo, it was pointed out that although its lifting did not represent a solution in itself, the moral right to self-defence was undisputed.

7. Members of the audience were invited to participate in the debate and a variety of views were expressed. One person warned against generalizations and the labelling of "peoples" when attributing responsibility for the events in the former Yugoslavia. No one side alone was guilty and each had to examine its own crimes. In this context the negative influence of propaganda and tendentious media information was mentioned. Other speakers expressed the view that the roots of the conflict lay in Belgrade. The tragedy was that no European country was willing to stand up against the fascist Serbian regime. History should have taught that "one does not talk to Nazis". The resistance of some European Governments against the lifting of the arms embargo for Bosnia and Herzegovina established their complicity in the genocide. It was easy to predict that no tribunal for war crimes committed in the former Yugoslavia would ever take place.

8. The situation in Kosovo and the continuing oppression of its Albanian population was also mentioned. Speakers deplored the fact that in the course of the Conference they were not allowed to deal with specific cases of human rights violations. The Final Declaration would in all likelihood not be concerned with the effective implementation of human rights and with concrete steps to end human rights violations. Instead of holding meaningless conferences, a correct and strong message should be sent to Governments.

9. Upon conclusion of the debate a number of concrete proposals were made. One panellist demanded that "the right to peace and security" be put on top of all human rights. A member of the audience suggested that 10,000 writers, journalists and scientists should meet - within the framework of the Conference on Security and Cooperation in Europe - in Sarajevo. One proposal from the panel concerned the dispatch of 1 million letters to Lord Owen and Mr. Stoltenberg, stating that "this kind of peace in Bosnia and Herzegovina was inadmissible". A distinguished member of the panel announced that he would send a letter to the United Nations Secretary-General, demanding the lifting of the arms embargo for the defence of Bosnia and Herzegovina based on the legitimate right to self-defence.